

□ NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Meeting

August 8, 2003

Attendance:

Robert Clegg, Chairman, Department of Safety
Tyler Carlisle, Board of Engineers, licensed electrical engineer
Robert Longchamps, NH Electrical Contractors Business Assoc, licensed master electrician
Jerry Tepe, Board of Architects, licensed architect
John Tuttle, NH Home Builders Association, Architectural designer – residential
Wes Golomb, State energy conservation code office
Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber
William Smagula, PE, Board of Engineers, licensed mechanical engineer
Fred Baybutt, Associated General Contractors, building contractor – non-residential
Med Kopczynski, Assistant City Manager Keene, NH Municipal Association

Guests:

Wynn Arnold, Attorney, Dept of Justice, Office of the Attorney General
John Stephen, Attorney, Dept of Safety, Assistant Commissioner
Marta Modigliani, Attorney, Department of Safety, Office of the Commissioner
Donald Bliss, Fire Marshal, Dept of Safety, Division of Fire Safety and Emergency Management

With a quorum of the Board present, Chairman Clegg so declared and called the meeting to order at 10:05. Notice of the public hearing / meeting was posted at the Department of Safety and State House, the State Fire Academy, the New Hampshire Rule Making Register and the Legislative Office Building a minimum of 2 weeks prior to scheduled meeting date.

Chairman Clegg welcomed Mr. Tuttle a new member from the Home Builder's Association.

PUBLIC HEARING:

1. Organizational, Procedural and Hearings RSA 541-A:
Bcr 100 and Bcr 200 series – copies were provided to all members and extra ones available to anyone of the public who wanted them. Chairman asked if there was anyone from the public who wanted to speak on these Rules.

For the record, Marta stated that Friday August 8, 2003 at 10:10 am – this is a Public Hearing for the BCR 100 State Building Code Review Board Organizational Rules, and BCR 200 State Building Code Review Board Procedural and Hearing Rules. The authority for this hearing is RSA 541:A 11, and this hearing is being tape recorded. The purpose of the hearing is to gather public comments on the proposed administrative rules. Seeing that there is no one signed up to speak on the Rules, I will wait a half hour for any late comers at which time the Public Hearing can be re-opened. The written comment period will close on Tuesday, August 19, 2003 at 8:15 a.m. Any comments should be sent to Marta Modigliani at the Office of the Commissioner, 10

Hazen Drive, Concord, NH 03305, or may be emailed at mmodigliani@safety.state.nh.us, or by fax at 603.271.3903.

Chairman Clegg declared the Public Hearing in recess for half an hour. Having waited an additional half hour – Chairman Clegg closed the Public Hearing.

BOARD MEETING:

Adoption of Minutes from July 11, 2003:

Motion was made by Bob Longchamps to approve the minutes as written, and was **Seconded** by Bill Smagula. Chairman asked if there were any corrections, additions, and omissions. Wes Golomb stated that he is actually from the Public Utilities Commission, the State Energy Conservation Code Office. Chairman declared for the minutes to reflect that change. The **Motion** passed as amended to reflect the change unanimously.

Old Business:

Division of Fire Safety and Emergency Management web-site.

John Stephen addressed the Board. The Fire Code is in the Building Code Board web-site and linked to the Fire Safety Division web-site. The web-site should all be crossed linked to make it easier of the public to get information they seek.

New Business:

Proposed Amendments to NH State Building Code

Chair recognized Tedd Evans for his amendment. Tedd Evans had made available to all Board members proposed amendments to the NH State Building Code, with regard to the International Plumbing Code – section 101.2. What we are trying to do here is to delete the exception of one and two family dwellings, because we would have no other code to replace it with. We do not have the International Residential Code. Through the Rule process, need to set this up for a Public Hearing. There being no further comments, Chairman Clegg declared that this will be put on the Agenda for next month, and will waive any Rules that we may have for notification, for Public Hearing. There were no objections. Tyler Carlisle asked about the last sentence – “provisions in the appendices shall not apply unless specifically adopted” – wanted to know – adopted by whom? Jerry Tepe clarified it further by stating that all of the International Code have various appendices that are there as useful tools in various jurisdictions should they want to use them. Chairman Clegg stated that the Hearing will be next month.

Frequently Asked Questions (FAQ).

Other than the ones already worked on and passed out, there were no additional questions to be added. Wes Golomb (thank you for identifying yourself) had one where a Code official is telling him there is no Energy Code in the State because the State Building Code for residences only applies to, rather excludes one and two family dwellings, which the Energy Code does not. Is there anyway a caveat can be put in there? Chairman Clegg stated that this question should be left for the Attorney-Client session. Tedd Evans has many questions he can think of and will submit. Bob Longchamps also has a few to submit, as does Jerry Tepe and John Tuttle.

Margaret McQueeney – State Building Code’s web designer:

Margaret stated that the way submissions are being made is working out great. Anything you want on the site can be put on it. Marta spoke to the Board and stated that all the amendments that the Board has voted on so far, has been placed in the Bcr 300. It should be easier for the members of the public once its posted. Its being presented to the Board for them to eyeball for accuracy. Any changes made from here on out – will be added to this document. Tedd Evans suggested that under NH State Building Code Amendments there are three there now, and maybe it could be under that and linked to the amendments she put together. Marta stated that many of the requests that the Board considered were not ultimately approved. So we had to go back and forth between the Exhibits and the Minutes to figure out what in fact was approved and

what verbal changes there was to that. Marta will add it as its own Exhibit as that. The Bcr is divided by the actual individual codes comprising of the State Building Code – and can be separated and made as its own link. If in the future, the Board makes another change to something that has already been modified, is it the Boards wish to make a record of the changes – as an over-rite type of change, or as a history type of change. The page will reflect what is actually applicable. Jerry Tepe stated that it was most important to know the history. John Stephen complimented Margaret for getting the Fire Code right out onto the Web-site quickly.

Bcr 300.

Further discussion. Jerry Tepe, under Bcr 303.01 of the International Building Code, the changes were brought forth, the changes to 506 with the appendices, but no reference was made to the Table 503. It needs to be in there, spelled out, to eliminate confusion. It will be the revised 506 and 503.

Modular Building Code.

Marta explained that the statute that we had was the old RSA 205-C (1) II, which states “BOCA National Building Code means the most recent edition of the BOCA National Building Code, as published by the Building Officials and Code Administrators International Inc., as may be amended by the commissioner”. And that language had been repealed. The new definition does not allow for this new stair geometry. Don Bliss stated that what they were trying to do is to bring the modular building rules up-to-date with the revised 155-A and 205-C. Marta explained that there isn’t any entity that could modify the IRC. Med Kopczynski asked if anyone had modified their modular building program for this. Don Bliss answered that yes a few states still allow for the older. Marta stated that her memo was to repeal #2, a public hearing was held, and no one attended. Don Bliss stated that he would like to discuss this with Joe Landers one more time to get a clear sense of exactly how big a deal this is. Chairman Clegg stated that we will wait on this item until next months agenda, so that the Board may be better informed. Tyler Carlisle asked when does the International Residential Code (IRC) apply? Don Bliss stated it applies to only those local jurisdictions that have adopted it. Or, in a modular building sense, 205-C.

Section of revised NH Fire Code should have been deleted.

Chairman Clegg stated that this item will be discussed at the Board meeting in two months (October 10).

Information received from Cheryl Killiam.

Med Kopczynski said that what she presented as information is valuable and would like to see as much support given as we can. The hearing is on the 19th at 1:00 p.m. Med Kopczynski made a **Motion** that the Board send a letter of support to Cheryl. Jerry Tepe **seconded** the motion. Unanimous vote in the affirmative. John Stephen will write the letter for the Chairman.

Other Business:

Chairman Clegg asked if there was any further information/discussion to be brought before the Board, there being none accepted a **Motion** for adjournment and a **Second** by Bill Smagula. So declared by the Chair.